

RECEIVED
CENTRAL FAX CENTER

SEP 27 2007

PATENT
Attorney Docket No. 01064.0011-13-000
Customer Number 34,986

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Richard LEVY

Serial No.: 10/733,419
Filed: December 11, 2003

For: LUBRICANT COMPOSITIONS
AND METHODS

Group Art Unit: 1764

Examiner: Ellen M. McAvoy

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

**RESPONSE TO OFFICE COMMUNICATION OF SEPTEMBER 26, 2007 AND SUBMISSION
OF AMENDED TERMINAL DISCLAIMER**

In response to the Office communication of September 26, 2007, Assignee, Lee County Mosquito Control District, amends the Terminal Disclaimer filed July 24, 2007 to include as one of the disclaimed pending patent applications, United States Patent Application Serial No. 10/781,240, in lieu of the inadvertent second inclusion of in the Terminal Disclaimer filed July 24, 2007, and submits the Amended Terminal Disclaimer with this response.

In the Office communication of September 26, 2007, the examiner points out that applicant disclaimed United States Patent application Serial No. 08/943,125 twice and did not include United States Patent application Serial No. 10/781,240 in the disclaimer. The Amended Terminal Disclaimer addresses this and includes as the disclaimed applications, both United States Patent Application Serial No. 08/943,125 and United States Patent Application Serial No. 10/781,240. The Amended Terminal Disclaimer avoids all of the obviousness type Double

RECEIVED
CENTRAL FAX CENTER
SEP 27 2007

Application No.: 10/733,419
 Filed December 11, 2003
 September 27, 2007
 Response to Office communication
 dated September 26, 2007

Patenting rejections set out in the examiner's May 4, 2007 Office communication. The September 26, 2007 Office communication indicates that applicant's July 24, 2007 response overcame all prior art rejections, but sustained the obviousness type double patenting rejection based on United States Patent Application Serial No. 10/781,240. The Amended Terminal Disclaimer removes the obviousness type double patenting rejection based on United States Patent Application Serial No. 10/781,240, and accordingly applicant's attorney requests that the rejection be withdrawn and that the examiner issue a Notice of Allowance as to the claims remaining in the application.

Lastly, applicant submitted the 37 C.F.R. § 1.20(d), Terminal Disclaimer fee of \$65.00 (small entity) with the Terminal Disclaimer of July 24, 2007 and requests application of that fee to the Amended Terminal Disclaimer filed with this response.

Respectfully submitted,

THE LAW OFFICES OF ROBERT J. EICHELBURG

Dated: September 27, 2007

By: /Robert J. Eichelburg, Reg. No. 23,057/
 Robert J. Eichelburg

CERTIFICATE OF FACSIMILE TRANSMISSION PURSUANT TO 37 C.F.R. § 1.6 (d)

I hereby certify that I am transmitting this correspondence to the United States Patent and Trademark Office pursuant to 37 C.F.R. § 1.6 (d) at their central FAX number (571) 273-8300 on the date indicated below.

Dated: September 27, 2007

By: /Robert J. Eichelburg, Reg. No. 23,057/
 Robert J. Eichelburg